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Response Under 37 CFR 1.116

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NO. 8606 P. 4

Attorney Docket No. BM45323

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Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ruelle, Jean-Louis

Group Art Unit: 1645

Serial No.: 09/701,271

Examiner: Baskar, Padmavathi

Filed: March 11, 2002

For: *Neisseria Meningitidis* Antigenic Polypeptides, Corresponding Polynucleotides and Protective Antibodies

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER 37 CFR. § 1.116

This paper is responsive to the Final Office Action mailed September 2, 2004. Applicant respectfully requests entry of this Amendment and reconsideration of the application in view thereof. It is believed that this Amendment is timely filed on or before March 2, 2005, with a three month extension of time.

Remarks

Claims 31, 39, 60-62, and 65 stand rejected; and claims 36-37, 68-69, and 71 have previously been cancelled without prejudice. Claim 38 is allowed. Claims 31, 38-39, 60-62, and 65 are currently pending. Applicant would like to thank the Examiner of the indication of allowable subject matter, reconsideration of the sole remaining rejection is respectfully requested.

Claim Rejections - 35 U.S.C. §102(b), Martin et al.

Claims 31, 39, 60-62, 65, and 71 stand rejected under 35 U.S.C. §102(b) for allegedly being anticipated by Martin et al. In particular, the Office Action asserts that Martin et al. discloses outer membrane protein from whole cell lysate preparations from *N. meningitidis*. The Office Action notes that monoclonal antibodies were produced by immunizing mice with the

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